

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**HERBERT L. CAMPBELL,**

**Petitioner,**

**v.**

**SCOTT R. FRAKES, and BRIAN  
GAGE,**

**Respondents.**

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**4:15CV3110**

**MEMORANDUM  
AND ORDER**

The Court must conduct an initial review of Herbert Campbell's Petition for Writ of Habeas Corpus (Filing No. 1) to determine whether his claims are potentially cognizable in federal court. A habeas corpus petition must "substantially follow either the form appended to [the *Rules Governing Section 2254 Cases in the United States District Courts*], or a form prescribed by a local district-court rule." See Rule 2 of the *Rules Governing Section 2254 Cases in the United States District Courts*.

Here, Campbell did not use the Form AO 241, Petition for Writ of Habeas Corpus by a Person in State Custody. Rather, he submitted a six-page document that does not clearly indicate the judgment challenged or the grounds alleged. Campbell's petition is insufficient and the Court will not act upon it. However, on the Court's own motion, Campbell will have thirty days in which to file an amended petition for writ of habeas corpus. Accordingly,

**IT IS ORDERED:**

1. Campbell is directed to file an amended petition for writ of habeas corpus within thirty days in accordance with this Memorandum and Order. To avoid confusion, any document Campbell sends to the clerk of the court for filing in this case must clearly display the case number. Failure to comply with this

Memorandum and Order will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to Campbell the Form AO241 ("Petition for Relief From a Conviction or Sentence By a Person in State Custody").
3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: February 22, 2016: Check for amended petition.
4. Campbell's motions seeking discovery and a hearing (Filing Nos. 10 and 14) are denied because neither is necessary at this stage in the proceedings.

DATED this 20<sup>th</sup> day of January, 2016.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge